



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Acting Agency Secretary

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Arnold Schwarzenegger
Governor

NOTICE OF HEARING

TO: Any Interested Person

FROM: Samuel Unger *SU*
Unit Chief, TMDL Unit
California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

DATE: May 22, 2006

SUBJECT: Notice of Regional Board Hearing to Consider a Resolution to temporarily set aside the Los Angeles River Trash TMDL

This notice is to advise any interested person that the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will hold a public hearing on June 8, 2006, beginning at 9:00 AM. Under consideration is a proposed resolution to set aside the Los Angeles River Trash TMDL pending further compliance with the requirements of the California Environmental Quality Act (CEQA). The public hearing will be held at the Metropolitan Water District - 700 North Alameda Street, Los Angeles, California. The tentative Board resolution is available on the website of the Regional Board at: <http://www.waterboards.ca.gov/losangeles/html/bpaRes/bpa.html>.

The Regional Board will consider the tentative resolution after hearing staff's presentation and public comments. The Regional Board is soliciting comments on the tentative resolution to set aside the Los Angeles River Trash TMDL. Changes to the tentative resolution consistent with the general purpose and complementary to the tentative resolution may be made at the hearing as a logical outgrowth of the public hearing.

In order to be fully considered by the Regional Board, we suggest that written comments and exhibits be received by the Regional Board by 5:00 p.m. on June 1, 2006. Comments or exhibits received after this time may not be admitted into evidence (California Code of Regulations, title 23, section 649.4).

Comments should be submitted to:

California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street
Los Angeles, California 90013

ATTN: Dr. Ginachi Amah

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Regional Board for inclusion in the Administrative Record. Please note that the Regional Board may impose time limits on oral testimony at the public hearing. Please contact Dr. Ginachi Amah at (213) 576-6685 if you have any questions.

Background

The Los Angeles River Trash TMDL was adopted by the Regional Board on September 19, 2001, and by EPA on August 1, 2002. Key features of this TMDL are the numeric target of zero trash and the 10-year implementation schedule that requires a 10% reduction in trash discharges per year. Twenty-two cities¹ ("Cities") sued The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) and State Water Resources Control Board (State Water Board) to set aside the TMDL, which would halt the thousands of tons of garbage that blankets the Los Angeles River and estuary.

The trial court entered an order deciding some claims in favor of the Los Angeles Water Board and State Water Board (collectively "California Water Boards"), and some in favor of the Cities. Both sides appealed, and on January 26, 2006, the Court of Appeal decided every one of the Cities' claims in favor of the California Water Boards, except with respect to their CEQA compliance. (*City of Arcadia et al., Los Angeles Regional Water Quality Control Board et al.* (2006) 135 Cal.App.4th 1392.)

With respect to the CEQA compliance, the Court found that the California Water Boards did not adequately complete the environmental checklist, and that evidence of a "fair argument" of significant impacts existed such that the California Water Boards should have performed an EIR level of analysis. (135 Cal.App.4th at 1420-26.) The Court therefore declared the Trash TMDL void, and issued a writ of mandate that orders the California Water Boards to set aside and not implement the TMDL, until it has been brought into compliance with California Environmental Quality Act. The Cities filed a petition for review by the California Supreme Court, but on April 19, 2006, the Supreme Court declined to hear any of the Cities' claims.

This action is proposed pursuant to the writ as modified by the Court of Appeal.

¹ The cities include Arcadia, Baldwin Park, Bellflower, Cerritos, Commerce, Diamond Bar, Downey, Irwindale, Lawndale, Monrovia, Montebello, Monterey Park, Pico Rivera, Rosemead, San Gabriel, Santa Fe Springs, Sierra Madre, Signal Hill, South Pasadena, Vernon, West Covina, and Whittier.

